

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL ACTION NO.
)
) 2:05cr290-MHT
EDDIE ANDREW GORDON)

ORDER

This criminal cause is before the court on the oral motion to continue made by defendant Eddie Andrew Gordon in open court on April 18, 2006. The case is currently set for trial during the term beginning on April 24, 2006. For the reasons set forth below, the court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h)(8).

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part as follows:

"In any case in which a plea of not guilty is entered, the trial of a

defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

Id. § 3161(c)(1). However, the Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." Id. § 3161(h)(8)(A).

This court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Gordon in a speedy trial. In support of the motion to continue, Gordon has represented that ongoing negotiations with the government will not be resolved by the scheduled trial date. These negotiations have been hampered by the motion to withdraw filed by defense counsel on April 13, 2006, and resolved today in open

court. The government does not oppose a continuance, and Gordon has filed a waiver of his Speedy Trial Act rights.

Accordingly, it is ORDERED that defendant Eddie Andrew Gordon's oral motion to continue is granted, and that his trial is continued to the criminal term of court beginning on August 7, 2006, at 10:00 a.m.

DONE, this the 18th day of April, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE